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January 8, 2010

**VIA FEDERAL EXPRESS OVERNIGHT DELIVERY**

Craig Whitenack, Civil Investigator  
United States Environmental Protection Agency  
Region IX, Southern California Field Office  
600 Wilshire Avenue, Suite 1420  
Los Angeles, CA 90017

**Re: Yosemite Creek Superfund Site, San Francisco, California  
Response to 104(e) Information Request**

Dear Mr. Whitenack:

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to Ford Motor Company ("Ford") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, Ford submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response pursuant to the request of Nicholas van Aelstyn of the Beveridge & Dimond law firm.

In responding to the RFI, Ford has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter." However, the RFI purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Ford and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and

polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA.

As you know, the California Department of Toxic Substances Control ("DTSC") conducted an extensive investigation of the BAD Site and Ford's nexus to the BAD Site. DTSC's investigation included an information request to Ford and the DTSC files include Ford's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. For ease of reference, a copy of Ford's October 14, 1992 response to the August 31, 1992 DTSC information request regarding the BAD Site is enclosed with this response. Thus, the focus of Ford's identification, review and retrieval of documents has been upon data that has not been previously provided to EPA, DTSC or any other governmental agency that is relevant to the Site. After a further review of its files, Ford has been unable to locate any additional information beyond what was provided in the October 14, 1992 response relevant to identifying parties that may have contributed to the contamination at the Site.

### **GENERAL OBJECTIONS**

Ford asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. Ford asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law.

2. Ford objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Ford's nexus to the BAD Site. DTSC's investigation included an information request to Ford and the DTSC files include Ford's Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

3. Ford objects to Instruction 4 to the extent it seeks to require Ford, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." Ford is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.

4. Ford objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on Ford to supplement these responses. Ford will, of course, comply with any lawful future requests that are within EPA's authority.
5. Ford objects to Instruction 6 in that it purports to require Ford to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of Ford. EPA lacks the authority to require Ford to seek information not in its possession, custody or control.
6. Ford objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in Ford's possession, custody, or control. Ford disclaims any responsibility to search for, locate, and provide EPA copies of any documents not in Ford's possession, custody, or control.
7. Ford objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.
8. Ford objects to the definition of "Respondent", "you", "the company", "your", and "your company" in Definition 14 because the terms are overbroad and it is not possible for Ford to answer questions on behalf of all the persons and entities identified therein.

#### **RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS**

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

##### **RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Ford is not feasible due to Ford's over 100 year history of operations. For a general overview of Ford's business operations, please visit [www.ford.com](http://www.ford.com).

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*
  - a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
  - b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*

- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding *any* facility located in California (excluding locations where ONLY clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site that have no connection to the Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford is unaware of any documents or information regarding shipments to the BAD Site other than what was provided in the October 14, 1992 response to the August 31, 1992 DTSC information request regarding the BAD Site.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. *the date such operations commenced and concluded; and*
- b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, Ford objects to the request in (b.) that it describe "types of work performed at each location over time . . . ." Without identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Ford to describe "types of records." Ford further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Ford's Facilities and the BAD Site, Request No. 5 purports to seek information relating to Ford's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 5 as if fully set forth herein.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 5 as if fully set forth herein.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 5 as if fully set forth herein.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 5 as if fully set forth herein.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at Ford's Facilities and the BAD Site, Request No. 10 purports to seek information relating to Ford's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 10 as if fully set forth herein.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 10 as if fully set forth herein.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 10 as if fully set forth herein.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

**RESPONSE:**

Without any waiver of its objections, Ford incorporates by reference its responses to Request Nos. 2 and 10 as if fully set forth herein.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to Ford's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to Ford's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Ford further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus Ford has limited its review of documents and information to the COCs identified by EPA.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identify all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*



**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 19 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to Ford's Facilities that is not relevant to contamination at the Site. Ford further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

21. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. *the type of container in which each type of waste was placed/stored;*

- b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*
- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

*Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Ford further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Ford objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken

to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Ford further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Ford objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all individuals who currently have, and those who have had, responsibility for Ford's environmental matters at all of Ford's Facilities, including those that have no nexus to the BAD Site, is not feasible due to Ford's over 100 years of operations around the world.

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which Ford has ever acquired such drums or containers is not feasible due to Ford's over 100 years of operations around the world.

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Ford further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Ford has over 100 years of operations around the world.

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to Ford's over 100 years of operations throughout the United States. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. Ford further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

28. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and Ford's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. Ford understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOLs that were produced, purchased, used, or stored at the Facilities.*

**RESPONSE:**

In addition to the General Objections set forth above, Ford objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, Ford has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, Ford understands that EPA is already in possession of DTSC's files regarding the BAD Site. Ford is under no further obligation to identify time periods to which these documents do not pertain.

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

**RESPONSE:**

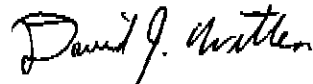
Ford objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Ford further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and Ford's operations in connection with it. DTSC's investigation included an information request to Ford and the DTSC files include Ford's Response to DTSC's information request, among other documents. We understand that EPA is already in possession

of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, Ford incorporates by reference its response to Request No. 2 as if fully set forth herein.

If you have any questions, please do not hesitate to contact me at the number above. A Verification for this Response is enclosed herewith.

Sincerely,

A handwritten signature in cursive script that reads "David J. Witten".

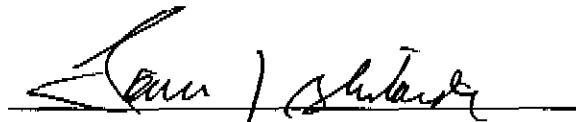
David J. Witten  
Attorney

Enclosures


**VERIFICATION**

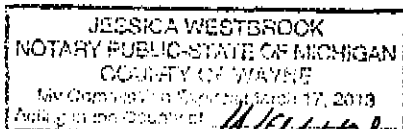
STATE OF MICHIGAN     )  
                                      ) ss.  
COUNTY OF WAYNE     )

      Louis J. Ghilardi      , being duly sworn, deposes and states that he is an authorized agent of Ford Motor Company; that he verifies the foregoing Ford Motor Company's Response to 104(e) Information Request; that the matters stated therein are not within the personal knowledge of the undersigned; that the facts stated therein have been assembled by authorized employees and counsel for Ford Motor Company; and that the undersigned is informed that the facts stated therein are true.

  
Louis J. Ghilardi  
Assistant Secretary

Subscribed and sworn to before me this 8<sup>th</sup> day of January, 2010.

  
Notary Public





Ford Motor Company  
Office of the General Counsel

Suite 728 - Parklane Towers East  
One Parklane Boulevard  
Dearborn, Michigan 48126-2493

(313) 248-2358 (Direct Dial)  
(313) 390-3083 (Facsimile)

October 14, 1992

VIA FEDERAL EXPRESS

Ms. Monica Gan  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL  
"OFFICIAL FILE COPY"

Dear Ms. Gan:

Bay Area Drum Site  
San Francisco, California ("BAD site")

Enclosed is Ford Motor Company's response to the State of California, Environmental Protection Agency's Department of Toxic Substances Control request for information regarding the BAD site.

Please direct all further communications concerning the site to me at the following address:

Alison R. Nelson  
Ford Motor Company  
Office of the General Counsel  
Suite 728, Parklane Towers East  
One Parklane Blvd.  
Dearborn, Michigan 48126

If you should have any questions, I may be reached at the telephone or fax numbers noted above.

Very truly yours,

Alison R. Nelson

Enclosure  
s:\mde\bad.104





STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL  
"OFFICIAL FILE COPY"

In the Matter of: )  
 ) Ford Motor Company's  
Bay Area Drum Site ) Response to Request  
1212 Thomas Avenue ) for Information  
San Francisco, California )

Ford Motor Company ("Ford") objects to this Request for Information on the grounds, among others, that:

(a) The Request purports to require that a search be conducted without geographic limitation and therefore is overly broad and seeks to impose obligations which are unduly burdensome.

(b) The Request seeks responses based upon information and documents outside the custody and control of Ford Motor Company.

Without waiving or in any way limiting any objection which it has or may have, Ford has conducted a reasonable search for information and documents relating to the time period from 1948 through 1987. The scope of its search did not include all its facilities worldwide, but rather was limited to all those Ford facilities operating in California during the relevant period, which reasonably could have been expected to have engaged in the type of transactions described, including the San Jose Assembly Plant, the San Francisco Parts Distribution Center and the former Ford Aerospace Corporation's Palo Alto facility. Based upon that search, Ford provides the following responses to the numbered questions of the Request for Information.

1-8. Unknown. Ford has no records or other basis upon which to respond to these questions. However, Ford has received an excerpt of Jack Hamilton's interview regarding Ford's alleged connection to the BAD site, a copy of which is in your

possession. We have no further information concerning his statement. In addition, Ford's search did locate two former employees who stated that they did have relevant recollections. Those recollections are summarized below:

The San Jose Assembly Plant and its predecessor, the Richmond Assembly Plant, periodically sold drums to drum vendors during the relevant period. Some drums were sold to a Myers Drum, which was located on Shellmound in Emeryville, California. There were no recollections that business was conducted with a Myers Drum located at 1212 Thomas Avenue in San Francisco, California. The years drums were sold to Myers Drum (in Emeryville) and the quantity of drums sold was not known, although sales to Myers were believed to have ended sometime in the 1970's.

The vendors interested in purchasing drums provided bids to the Purchasing Department and the contract was awarded, on an annual basis, to the vendor quoting the highest purchase price for the drums. The drums were sold outright, they were not sent for reconditioning or disposal. There were no recollections of sales of drums to Bedini Steel Drum, San Francisco Steel Drum, Waymire Drum, or Bay Area Drum Company. In addition, there was no information indicating that any of the drums were sent to the BAD site.

The drums were empty when sold. The type of product previously contained in the drums sold to Myers Drum was unknown, although the drums could have previously contained paint, paint thinner, glues, solvents, oil, or grease.

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SUBSTANCES CONTROL  
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All drums sold were 55-gallon metal drums.

After the product was emptied out of the drum, plant personnel transferred the drums to the drum yard. The vendor holding the contract for the purchase of the plant's drums was then contacted to pick up the drums. The drums were stored in the drum yard until they were picked up by the vendor. The vendor determined the disposition of the drums.

There was no recollection of the procedure used to determine the residual level, if any, in each drum sold.

The former employees are not aware that any of the drums sold to Myers Drum went to the site. The drums were sold outright to Myers Drum, they were not sent for reconditioning or disposal.

I, John M. Rintamaki, am an Assistant Secretary of Ford Motor Company and sign the foregoing response to the Request for Information In the Matter of the Bay Area Drum Site, San Francisco, California, for and on behalf of Ford Motor Company and am duly authorized to do so. Although the matters stated therein are not within my personal knowledge, the facts have been assembled by authorized employees and counsel of Ford Motor Company and I am informed that they are true.

Signed this 14<sup>th</sup> day of October, 1992.

FORD MOTOR COMPANY

  
John M. Rintamaki  
Assistant Secretary

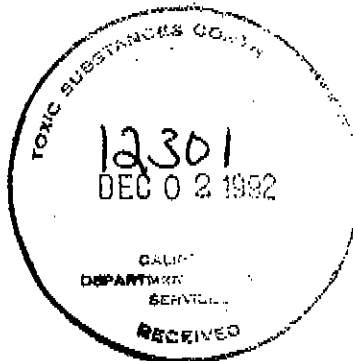
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Ford Motor Company  
Office of the General Counsel



Suite 728 - Parklane Towers East  
One Parklane Boulevard  
Dearborn, Michigan 48126-2493

Direct Dial: (313) 594-1747  
Facsimile: (313) 390-3083

November 25, 1992

Ms. Monica Gan  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

**Bay Area Drum Site**  
**San Francisco, California ("BAD site")**

Dear Ms. Gan:

Pursuant to the California Public Records Act, Chapter 3.5, Division 7, Title 1 of the California Government Code, Ford Motor Company requests a copy of all documents in the possession of the California Environmental Protection Agency's Department of Toxic Substances Control, relating to the Bay Area Drum Site. The documents requested should include, but not be limited to, notes, memos, correspondence, reports, interview summaries and/or transcripts and any other records relating to Ford Motor Company's alleged use of the BAD site.

Please contact me at the telephone or fax numbers listed above to arrange for payment of copying costs associated with this request.

Sincerely,

Michelle D. Erikainen  
Legal Assistant

a:\mde\BAD.foi





Ford Motor Company  
Office of the General Counsel

Suite 728 — Parklane Towers East  
One Parklane Boulevard  
Dearborn, Michigan 48126-2493

(313) 248-2353

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL  
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September 25, 1992

Ms. Monica Gan  
California Environmental Protection Agency  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

Bay Area Drum Site



Dear Ms. Gan:

This letter is to confirm the two week extension that you granted, on September 24, 1992, to Ford Motor Company ("Ford") for submitting a response to the California Environmental Protection Agency, Department of Toxic Substances Control August 31, 1992 request for information regarding the Bay Area Drum site located in San Francisco, California. The request for information was received by Ford on September 1, 1992, and, as a result of the extension, Ford's response must be submitted to you by October 15, 1992. If you have any questions please do not hesitate to contact me.

Very truly yours,

*Alison R. Nelson*  
Alison R. Nelson

S:\arn\badext

COPY

PETE WILSON, Governor

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2

700 HEINZ AVE., SUITE 200

BERKELEY, CA 94710-2737



August 31, 1992

Mr. Jeff Troyiano  
Principal Facility Environmental Engineer  
Station Source Environmental Control Office  
Ford Motor Company  
Commerce Park North  
15201 Century Drive, Suite 608  
Deerborn, MI 48120

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL  
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Dear Mr. Troyiano:

The California Environmental Protection Agency, Department of Toxic Substances Control (Department) has determined that the Bay Area Drum site, located at 1212 Thomas Avenue in San Francisco, California, has a groundwater contamination problem. Drum recycling and reconditioning activities were undertaken by several companies at the site from 1948 through 1987.

This letter is to request information regarding Ford Motor Company's past practices and business relationship with companies that operated at the Bay Area Drum (BAD) site including: Bedini Steel Drum, San Francisco Steel Drum, Myers Drum, Waymire Drum, and Bay Area Drum Company. We are requesting information from companies who did business with any of the site operators who operated at the BAD site. Information obtained as a result of the Department's investigation indicates your company sent drums to the BAD site for reconditioning and/or disposal. Consequently, the Department has identified Ford Motor Company as a Potentially Responsible Party (PRP) as defined in Section 25323.5(a). Pursuant to the authority of Health & Safety Code (H&SC) Sections 25185.6, 25358.1 and 25358.3, the Department requests that you provide all information currently known or available to you, as requested below, within 30 calendar days of this letter. Please provide an original and one copy to:

Monica Gan  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

- 1) The approximate number of drums shipped to the BAD site between 1948 and 1987.
- 2) The nature of the substances contained in the drums, including chemical composition and concentration.
- 3) The type and capacity of each drum.



August 31, 1992

Page Two

- 4) The disposition of subject drums after the substances were used.
- 5) The residual level in each drum after they were shipped off-site.
- 6) Methods used to determine the residual levels in each drum.
- 7) Purpose of drums sent to the site, i.e., drum reconditioning, sales or disposal.

Compliance with the information request set forth is mandatory, pursuant to Sections 25185.6, 25358.1 and 25358.3 of the California Health & Safety Code. Failure to respond fully and truthfully to the information request may result in enforcement action by the Department, subject to the penalties allowed under Sections 25189, 25189.2, 25191 and 25367 of the Health & Safety Code. The penalty provided is up to \$25,000 for each violation and up to \$25,000 per day for each day that the violation continues. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties.

Thank you for your cooperation in this matter. If you have any questions relating to this request, please contact Susan Bertken, Senior Staff Attorney at (408) 429-0113 or Monica Gan, Analyst at (510) 540-3767.

Sincerely,

*Barbara J. Cook*

Barbara J. Cook, P.E., Chief  
Site Mitigation Branch

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL  
"OFFICIAL FILE COPY"

cc: Susan Bertken  
Senior Staff Attorney  
Toxics Legal Office  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806